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25 October 1988  
OCA 3564-88

MEMORANDUM FOR: (SEE DISTRIBUTION)

FROM:  Legislation Division  
Office of Congressional Affairs

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SUBJECT: Congress Passes Drug Legislation

1. On 22 October 1988, the Congress completed action on omnibus, anti-drug legislation. The volume of the bill and the number of last-minute changes make it unlikely a copy as passed will be available until the week of 31 October. We will forward copies and a more detailed analysis as soon as possible. In the meantime, highlights of the legislation are as follows.

2. Drug Czar. The bill contains a "drug czar" provision. Our concerns with respect to the czar, however, have been alleviated. The "czar" will be more like the House "weak czar" than the Senate "strong czar." He will not have budgetary authority nor overwhelming programmatic authority and his scope of action appears generally limited to the law enforcement area. In addition, the bill contains a provision protecting intelligence sources and methods and a provision requiring the czar to exercise his authorities in a manner consistent with the provisions of the National Security Act of 1947. This latter provision addresses our programmatic concerns.

3. R&D Centers. An earlier version of the bill contained a provision giving the Comptroller General/General Accounting Office oversight of a plan by which federal research and development facilities, including Intelligence Community facilities, were to provide assistance to support federal law enforcement anti-drug efforts. This was modified in the final version of the bill by the addition of language indicating the provision gives GAO no more authority with respect to the Central Intelligence Agency than it already possesses.

4. Alexander "Anti-Stonewalling Act" Amendment. This provision had been previously modified in the House to reflect our concerns. We understand the final version of the bill will either drop the provision entirely or include the modified version.

5. Diplomatic Immunity. The bill's proponents rejected a last minute effort by Senator Helms to add to the bill a provision which would have adversely affected the diplomatic immunity accorded foreign diplomats in the United States, thus inviting retaliation against U.S. personnel overseas. The provision had earlier been rejected as a separate bill and as an amendment to the Department of Defense appropriations bill.

6. Should you have any questions, please feel free to contact this office.

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